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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/558,891   | 12/01/2005  | Dante Bolzani        | BOLZANI1                     | 6125                   |
| 1444 7590 09/28/2007<br>BROWDY AND NEIMARK, P.L.L.C.<br>624 NINTH STREET, NW<br>SUITE 300<br>WASHINGTON, DC 20001-5303 |             |                      | EXAMINER<br>ADAMS, GREGORY W |                        |
|  |             |                      | ART UNIT<br>3652             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>09/28/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/558,891

Applicant(s)

BOLZANI, DANTE

Examiner

Gregory W. Adams

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/1/05, 5/3/06</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 25-28 & 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Kwauka et al. (US 4,614,473).

Kwauka et al. disclose a handling unit comprising:

- a framework 53 associated with a support and defining an aperture;
- at least one flexible sliding panel 5 slidable along rails 53;
- drive means 55, 59 for sliding a panel along rails;
- drive means first section 55 and drive means second section 58;
- and a robot (indicated generally as 73).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-32, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Annas, Sr. et al. (US 4,792,121).

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Kwauka et al. discloses a movable motor, shaft and pinion and does not disclose a circumferential rack and rigid arms. Annas, Sr. et al. disclose a motor 39, pinions 12, circumferential rack 13, shaft 17 and arms 16 such that work surfaces can be set at any position. C1/L10-35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive means of Kwauka et al. to include a circumferential rack and rigid arms, as per the teachings of Annas, Sr. et al., to allow adjustability of work platform heights.

Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Wursthorn (US 6,341,698).

Kwauka et al. do not disclose cylindrical rods and wheels. Wursthorn disclose cylindrical rods 72 and wheels 84 to minimize damage between the handling device and an article. C1/L20-41. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include cylindrical rods and wheels, as per the teachings of Wursthorn, to minimize damage during handling.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Hullhorst (US 3,346,128).

Kwauka et al. do not disclose mutually facing sliding panels. Hullhorst disclose mutually facing sliding panels 73 which is a less expensive means of stacking. C1/L30-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include

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mutually facing sliding panels, as per the teachings of Hullhorst, to reduce the costs of stacking.

Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Smith et al. (US 3,844,422).

Kwauka et al. does not disclose means for dragging articles having a loading carriage. Smith et al. disclose a loading carriage 50 that presents a quadrangular configuration (indicated generally as 64) for automatically loading a pallet with cartons, cases, bags or like units in a stacked or tiered arrangement. C1/L10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include a loading carriage, as per the teachings of Smith et al., for automatic palletization.

Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Hayden et al. (US 4,927,318) and Shimkowski (US 6,431,817).

Kwauka et al. does not disclose a pantograph, suckers, valves or vacuum. Hayden et al. disclose suckers 90, valves 92, 98 and vacuum 94 such that in high volume stacking such as a book press and bindery cubes consisting of four such stacks may be palletized with a separator such a sheet of plywood, fiber board, particle board or stiff plastic upon which a subsequent tier of cubes can be assembled. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include suckers, valves or vacuum, as per the teachings of Hayden et al., for separating and palletizing at a high rate.

Shimkowski discloses a pantograph 90 which is "is utilized as a space determining unit for uniformly varying the spacing between the pick-up units". C7/L23. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include a pantograph, as per the teachings of Shimkowski, to varying spacing between pick-up units.

Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwauka et al. in view of Hayden et al.

Kwauka et al. does not disclose rockers and plates. Hayden et al. discloses rockers 78 and plates 48 such that in high volume stacking such as a book press and bindery cubes consisting of four such stacks may be palletized with a separator such a sheet of plywood, fiber board, particle board or stiff plastic upon which a subsequent tier of cubes can be assembled. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Kwauka et al. to include rockers and plates, as per the teachings of Hayden et al., for separating and palletizing at a high rate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA *bw*

  
SAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER